

Rejections Under 35 USC § 112, First Paragraph

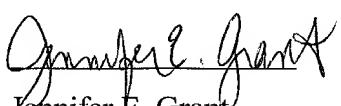
Claims 7-14 are rejected under 35 USC § 112, first paragraph. Specifically, the Office Action alleges that the specification does not reasonably enable the scope of the claims. In response to the rejections, Applicants submit the attached Declaration. The Declaration was previously submitted in U.S. Patent Application No. 09/277,016, now U.S. Patent No. 6,143,529, and was executed by inventor Anthony Shuber, who is also an inventor in the present application. The data reported in the Declaration support Applicants' contention that the specification of the instant application enables claims 7-14.

For example, at page 11, lines 8-29 and page 12, lines 1-18 of the specification, Applicants teach methods "useful to detect nucleic acid indicia of cancer or precancer in any tissue or body fluid sample." The data reported in the Declaration, for example, at paragraphs 11, 13, 14 and 15, show that the methods described in the specification screen for any type of cancer in any bodily excretion or body fluid sample. Accordingly, performing the methods as claimed in the present application requires no undue experimentation, but only requires one of skill in the art to follow the blueprint provided in Applicants' specification. Therefore, Applicants submit that the specification as filed fully enables claims 7-14. Applicants respectfully request that the rejections be reconsidered and withdrawn, and submit that claims 7-14 are in condition for allowance.

Respectfully submitted,

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